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Attorneys for Defendant Eli Lilly and Company, a corporation; and  
McKesson Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL MURPHY, an individual; and  
FAWENDA MURPHY, an individual,

Plaintiffs,

vs.

ELI LILLY & COMPANY, a business  
entity; MCKESSON CORPORATION, a  
business entity; and DOES 1 to 50,  
inclusive,

Defendants.

Case No. CV-10-4815 BZ

**STIPULATION AND [PROPOSED]  
ORDER STAYING CASE PENDING  
A DECISION ON TRANSFER BY  
THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

## RECITALS AND STIPULATION

On April 14, 2004, the Judicial Panel on Multidistrict Litigation (“JPML”), transferred six Zyprexa-related civil actions to the United States District Court for the Eastern District of New York (“the MDL Court”) for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* Transfer Order, *In re Zyprexa Products Liability Litigation*, MDL-1596, 314 F.Supp.2d 1380 (J.P.M.L. 2004) (attached as Exhibit A) (finding that “all actions share allegations concerning the safety of Zyprexa, a prescription drug used in the treatment of schizophrenia”). Since that time, hundreds of Zyprexa®-related cases filed throughout the United States have been transferred to the MDL Court because the cases involve common questions of fact.

This Zyprexa-related case – which plaintiffs filed on April 27, 2010 in San Francisco Superior Court, and which Eli Lilly and Company (“Lilly”) removed to this Court on October 25, 2010 – also involves common questions of fact, *e.g.* whether Zyprexa caused or substantially contributed to the development of plaintiffs’ alleged injuries. Accordingly, Lilly has filed a “Notice of Potential Tag-Along” seeking transfer of this case to the MDL Court, and the JPML is expected to issue a Conditional Transfer Order shortly. *See* Notice of Potential Tag-Along Actions (attached as Exhibit B). Plaintiffs do not intend to challenge transfer of this action to the MDL Court.

According, Plaintiffs and Defendants respectfully request that:

1. All matters and deadlines currently on-calendar (including the May 2, 2011 Initial Case Management Conference; the deadline to make Rule 26 Disclosures; and all ADR deadlines) be taken off-calendar; and

2. This matter be stayed pending a decision on transfer to the MDL Court by the


Judicial Panel on Multidistrict Litigation.

IT IS SO STIPULATED.

DATED: November 5 2010

THE EDGAR LAW FIRM

By

  
Donald S. Edgar  
Jeremy R. Fietz  
Rex Grady  
Attorneys for Plaintiffs Michael Murphy  
and Fawnda Murphy

DATED: \_\_\_\_\_

REED SMITH LLP

By

\_\_\_\_\_  
James M. Wood  
Colleen T. Davies  
James M. Neudecker  
Attorneys for Defendants  
Eli Lilly and Company, a corporation;  
and McKesson Corporation

Judicial Panel on Multidistrict Litigation.

IT IS SO STIPULATED.

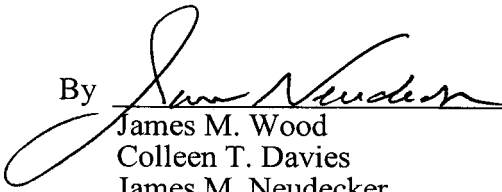
DATED: \_\_\_\_\_.

THE EDGAR LAW FIRM

By \_\_\_\_\_  
Donald S. Edgar  
Jeremy R. Fietz  
Rex Grady  
Attorneys for Plaintiffs Michael Murphy  
and Fawnda Murphy

DATED: 11/8/10.

REED SMITH LLP

By  \_\_\_\_\_  
James M. Wood  
Colleen T. Davies  
James M. Neudecker  
Attorneys for Defendants  
Eli Lilly and Company, a corporation;  
and McKesson Corporation

**ORDER**

Having considered the parties' stipulation, and good cause appearing, the Court orders that:

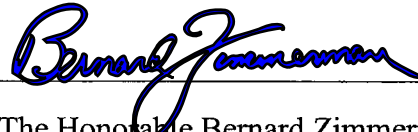
1. All matters and deadlines currently on-calendar (including the May 2, 2011 Initial Case Management Conference; the deadline to make Rule 26 Disclosures; and all ADR deadlines) are taken off-calendar; and

2. This matter is stayed pending a decision on transfer to the MDL Court by the Judicial Panel on Multidistrict Litigation.

3. **Plaintiff shall immediately notify the Court when the transfer decision is made.**

IT IS SO ORDERED.

DATED: November 10, 2010



The Honorable Bernard Zimmerman

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